UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

GILBERT SEGAL JR.,

Plaintiff,

-against-

NEW YORK MILITRY ACADEMY (ALL ENTITIES INCLUDING, BUT NOT LIMITED TO INSURANCE REPRESENTATIVES, ETC); THE NATIONAL ASSOCIATION OF INDEPENDENT SCHOOLS; THE RESEARCH CENTER ON NATURAL CONVERSATION INC.; ASSOCIATION OF MILITARY COLLEGES AND SCHOOLS OF THE UNITED STATES; JOHN DOE 1-8; JROTC ARMY,

Defendants.

10/7/21

21-CV-6872 (VB) VALENTIN ORDER

VINCENT L. BRICCETTI, United States District Judge:

Plaintiff brings this *pro se* action, for which the filing fee has been paid, alleging that he was physical and sexually abused while he was a student at Defendant New York Military Academy. Plaintiff brings his claims under the Court's diversity of citizenship jurisdiction, 28 U.S.C. § 1332.

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the New York Military Academy to identify the six John Doe former classmates of Plaintiff and the two John Doe staff members described in the amended complaint. It is therefore ordered that counsel for the New York Military Academy must ascertain the identity of each John Doe whom Plaintiff seeks to sue here and the address where the defendant may be served. Counsel for the New York Military Academy must provide this information to Plaintiff and the Court by **December 6, 2021**.

By <u>January 5, 2022</u>, Plaintiff must file a second amended complaint naming the John Doe defendants. <u>The second amended complaint will completely replace</u>, not supplement, the <u>amended complaint</u>. <u>Therefore</u>, <u>plaintiff should include in the second amended complaint all information necessary for his claims</u>. A second amended complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed a second amended complaint, the Court will issue an order directing the Clerk of Court to issue summonses as to the newly named defendants.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is directed to mail a copy of this order and the complaint to the New York Military Academy at: 78 Academy Drive, Cornwall-On-Hudson, New York 10926. A "Second Amended Complaint" form is attached to this order.

SO ORDERED.

Dated:

October 7, 2021

White Plains, New York

VINCENT L. BRICCETTI United States District Judge

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(In the	e space above enter the full name(s) of the plaintiff(s).) -against-	SECOND AMENDED COMPLAINT_		
		_ Jury Trial: - - - -		a □ N heck one)
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contained in the above caption. Attach additional sheets of paper as necessary.

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Defen	dant No. 1	Name				
		Street Address				
		County, City				
		State & Zip Code				
		Telephone Number				
Defen	dant No. 2	Name				
	•	Street Address				
		County, City				
		State & Zip Code				
		Telephone Number				
Defen	dant No. 3	Name				
		Street Address				
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		State & Zip Code				
		Telephone Number				
Defen	dant No. 4	Name				
		Street Address				
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		State & Zip Code				
		Telephone Number				
II.	Basis for Ju	risdiction:				
cases U.S.C questic	involving a fed 5. § 1331, a ca on case. Unde	burts of limited jurisdiction. Only two types of cases can be heard in federal court: leral question and cases involving diversity of citizenship of the parties. Under 28 se involving the United States Constitution or federal laws or treaties is a federal r 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another in damages is more than \$75,000 is a diversity of citizenship case.				
A. What is the basis for federal court jurisdiction? (check all that apply)		pasis for federal court jurisdiction? (check all that apply)				
	□ Federal Q	Federal Questions				
В.	If the basis fo	r jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right				
	is at issue?					
C.	If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?					
	Plaintiff(s) state(s) of citizenship					
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III. Statement of Claim:

State as briefly as possible the <u>facts</u> of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

	A.	Where did the events giving rise to your claim(s) occur?
	В.	What date and approximate time did the events giving rise to your claim(s) occur?
	C.	Facts:
What happened to you?		
Who did what?		
Was anyone else involved?		
Who else saw what happened?		
	IV.	Injuries:
	If you treatm	u sustained injuries related to the events alleged above, describe them and state what medical nent, if any, you required and received.

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Signed this day of	Signature of Plaintiff
	
	Mailing Address
	Telephone Number
	Fax Number (if you have one)
Note: All plaintiffs named must also provide the	
must also provide tl	in the caption of the complaint must date and sign the complaint. Prisoners heir inmate numbers, present place of confinement, and address.
must also provide tl	d in the caption of the complaint must date and sign the complaint. Prisoners heir inmate numbers, present place of confinement, and address. erjury that on this day of, 20, I am delivering the confinement of the United States District Court for
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Rev. 12/2009